

**UNITED STATES COMMISSION FOR
THE PRESERVATION OF AMERICA'S HERITAGE ABROAD**

FY 2014 BUDGET

CONGRESSIONAL PRESENTATION

APPROPRIATIONS LANGUAGE

UNITED STATES COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

Federal Funds

General and special funds:

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, *\$690,150* as authorized by section 1303 of Public Law 99-83.

UNITED STATES COMMISSION FOR
THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES
Object Classification (in thousands of dollars)

	<u>2012 Est.</u>	<u>2013 Est.</u>	<u>2014 Est.</u>
Personnel Compensation and Benefits:			
Full-time Permanent	111	112	259
Contractual Services and Supplies:			
Travel and Transportation of Persons	22	20	36
Rental Payments to Others	90	96	117
Communications, Utilities and Misc. Charges	12	10	13
Printing and Reproduction	8	3	10
Other Contractual Services	310	241	130
Other Purchases of Goods and Services from Government Accounts	29	84	114
Supplies and Materials	19	8	10
Acquisition of Assets:			
Equipment	0	0	1

Total Obligations

601

574

690

Figure 1JUSTIFICATION

I. The Commission

The Commission for the Preservation of America's Heritage Abroad was established by Public Law 99-83, which authorizes its spending. It is an independent agency of the Executive branch.

The Commission has 21 Members appointed by the President of the United States, including a Chairman designated by the President. Seven Members are appointed in consultation with the President Pro Tempore of the Senate, and seven in consultation with the Speaker of the House of Representatives.

The law directs the Commission to --

1. Identify and report on cemeteries, monuments, and historic buildings in Eastern and Central Europe that are associated with the heritage of U.S. citizens, particularly endangered properties.
2. Obtain assurances from the governments of the region that such properties will be protected and preserved. The assurances are to be sought in cooperation with the Department of State.

Consistent with expressed congressional intent, the Commission also conducts, encourages, and facilitates private and foreign-funded site marking, restoration and preservation projects. In this regard, the Commission is authorized to accept and use donations of private funds. Donations are deductible from taxable income.

The Commission is required to meet twice a year. The Members are not paid for their service but are reimbursed for travel and *per diem* expenses. The Commission is also authorized to appoint staff as government employees and to procure temporary and intermittent services.

II. Background

The population of the United States is mostly comprised of immigrants and their descendants. Remnants of these citizens' cultural heritage lie in foreign countries. Our Nation, therefore, has an interest in the preservation of foreign cultural sites important to the heritage of American citizens.

The Holocaust and communist party regimes created a critical need regarding certain cultural properties in Eastern and Central Europe that led to the establishment of the Commission. Germany under the Nazis, and fascist collaborators in other countries, annihilated the population of the region that was Jewish, killing two-thirds and forcing

many others to flee.

This left the region with no one concerned to care for many cultural properties and few people to care for others. The Nazi effort to eliminate the Jewish presence in Europe also included destroying evidence of many Jewish sites.

After World War II, localized pogroms in Poland convinced many of the relatively few Holocaust survivors in Eastern Europe to emigrate to Palestine, the United States, and elsewhere.

As time went on, sites deteriorated, were put to other uses, and were damaged under the atheist communist party dictatorships that replaced Nazi German domination. Further, these governments sometimes limited access to sites, hindering preservation initiatives of concerned Americans. Repression resulted in further emigration by large numbers of the remaining Jewish residents of some countries.

There is a deeply held Jewish belief that forbids disturbing human remains and considers burial places sacred in perpetuity. The Congress acted to establish the Commission in response to the concern of American Orthodox Jews that cemeteries were being destroyed or desecrated by other uses in countries behind the Iron Curtain.

Under the region's subsequent democratic governments, uncared for communal properties have also been encroached upon by commercial development and have continued to deteriorate. Although the governments are generally open to American site preservation entreaties and efforts, control of properties is generally not within national government jurisdictions and the governments do not have resources to devote to the sites. In many cases, there are conflicts with private development desires and, at the local level, a lack of will to preserve sites that relate to people who have long been gone from the community. In some cases, there is also a conflict with laws that allow cemeteries to be used a certain number of years after burials cease.

The properties, however, continue to be of significant interest to a number of Jewish Americans. Most American Jews have their roots in Eastern and Central Europe. Burial places remain a major focus of Commission activities. This includes Holocaust killing sites and mass graves.

Protection and restoration of Jewish cultural heritage properties in Europe has also taken on a renewed importance as sites have been desecrated and damaged by recently increasing anti-Semitic attacks. Anti-Semitism is often manifested in assaults on Jewish cultural properties.

While much of the Commission's efforts have related to properties that are important to the cultural heritage of Americans who are Jewish, the Commission's mandate is not limited to Jewish sites or to burial places. The Commission has also done work regarding various cultural properties important to other cultural groups. Properties of concern to groups that have been victimized minorities receive particular attention.

III. ACTIVITIES

Identifying Sites – As noted above, identifying and reporting on endangered and other cemeteries, monuments, and historic buildings in Eastern and Central Europe associated with the heritage of Americans is one of the Commission’s two basic statutory assignments. Field surveys are the primary means of identifying sites.

Surveys concerning individual cultural groups are conducted on a country-by-country basis. Contractors conduct the surveys.

Key findings are printed and posted on the Internet. More complete data has at times been made publicly available.

Major site surveys have been conducted in Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Serbia and Montenegro, Slovenia, and Ukraine. The sites have related to Protestants, Old Believer Christians, Muslims, and Roma (“Gypsies”) in addition to Jews. Reports from available literature have also been done on sites in Bosnia and Herzegovina, Croatia, Serbia and Montenegro, and Slovakia.

During Fiscal Year 2012 and so far during Fiscal Year 2013, reports have been published and posted on surveys of Jewish and Protestant sites in Bulgaria. A survey of Jewish sites in Hungary began during Fiscal Year 2011 and is continuing.

Future survey report work will include completion of a report on Jewish sites in Lithuania. Fieldwork on a survey of Muslim sites in Bosnia and Herzegovina, requested by the Muslim leadership there, may be able to begin in FY 2013 and, if so, would probably continue in FY 2014.

Obtaining Preservation Assurances – The Commission’s other statutory mandate is to obtain assurances from governments in Eastern and Central Europe regarding the protection and preservation of cemeteries, monuments and historic buildings associated with the heritage of Americans in cooperation with the State Department. The Commission primarily fulfills this assignment by negotiating bilateral, government-to-government agreements. The agreements generally commit that the governments will not discriminate against the sites of any cultural group (although most agreements focus on groups that were victims of genocide during World War Two) and pledge site identification, protection, and preservation efforts and cooperation.

The State Department has agreed to Commission negotiations for agreements with 29 countries. Agreements have been entered into with 24 – Kosovo, Italy, Montenegro, Georgia, the Czech Republic, Romania, Ukraine, Slovenia, the Slovak Republic, Moldova, Bosnia and Herzegovina, Latvia, Lithuania, Bulgaria, Macedonia, Estonia, Germany, Austria, Hungary, Poland, Armenia, Albania, Serbia, and Croatia.

Negotiations of the agreements have often been difficult because the obligations are primarily applicable in the cases of the foreign governments although the terms equally commit the United States. Few Americans have immigrated to Central and Eastern Europe. Consequently, sites in the United States associated with the heritage of residents of Central and Eastern Europe are not really an issue.

The Commission has attempted to negotiate agreements with the five countries that have not agreed to United States agreement proposals -- Azerbaijan, Belarus, the Hellenic Republic (Greece), the Russian Federation, and Turkey.

- The Government of Azerbaijan has been unresponsive in the past, although its embassy has reported recommending negotiations. Under its new Chair, the Commission has initiated a new outreach for an agreement.
- A recent, renewed effort with the embassy of Belarus is promising.
- The Governments of Greece and Russia have rejected the idea of an agreement.
- In the past, the Government of Turkey was unresponsive -- but its ambassador more recently said that he has recommended negotiations to his government.

The Commission will continue its efforts to obtain agreements during FY14. Agreements with the Governments of Azerbaijan and Belarus are being most aggressively pursued at the present but there will be efforts made with all five governments.

Most agreements other than the one with Germany provide for bilateral cultural heritage commissions. The primary purpose of the commissions is to address problems regarding specific properties that may arise. The commissions are also a mechanism that can be used, if needed, to help identify properties to be protected and preserved and to coordinate preservation efforts. The Commission leads the United States representation on the joint commissions.

The joint commissions are generally not activated, however. There are two reasons. One is that issues can usually be addressed just as well through regular government-to-government channels.

The other reason is the cost that would be required for meetings.

In addition to negotiating agreements, the Commission intervenes with foreign governments to prevent destruction or desecration of sites or to ensure proper memorialization of sites whether there is an agreement with a country or not.

Destruction, desecration, and memorialization issues are brought to the attention of the Commission by individual U.S. or foreign citizens or groups, news reports, or by the Department of State.

Commission efforts during Fiscal Year 2012 and so far during Fiscal Year 2013 in connection with the destruction and desecration of sites have concerned the following, among others.

- An attack on the Jewish cemetery in Wysokie Mazowieckie, Poland, which broke and toppled gravestones and painted anti-Semitic messages. The Commission raised funds for a full restoration of the stones.
- The desecration of a memorial in Jedwabne, Poland regarding hundreds of Jews massacred by their non-Jewish neighbors.
- Cleaning of the Jewish cemetery in Nis, Serbia on which Roma have squatted.
- Protection of a Holocaust memorial in Leipja, Latvia.
- Commercial use of the synagogue and other Jewish religious properties in Bardejov, Slovak Republic.
- Replacement of a memorial plaque regarding Holocaust victims in Rostov-on-Don, Russia with a plaque unrelated to the Holocaust.
- Preservation of the Jewish cemetery in Slavkov, Czech Republic, altering the plans of a supermarket chain to build on the property.

Site Restoration, Preservation, and Marking - Much of the Commission's work concerns site memorialization and restoration projects. The Commission is involved in and supports projects implemented by U.S. citizens or groups, contractors, or foreign governments.

Commission assistance is generally provided through the raising of funds, contacts with foreign government officials, and sponsorship of projects. In various cases: projects are proposed; plans are developed or reviewed; private or foreign government funding is urged; contracts for project work are developed and executed; the Commission receives funds on a tax-exempt basis and transfers the funds to local contractors for Americans; work is overseen; technical assistance is provided; and inscriptions are written and negotiated; etc.

During Fiscal Year 2012 and so far during Fiscal Year 2013, the Commission has worked on projects, among others, that:

- Raised funds for and installed a Holocaust memorial in Trstice, Czech Republic.
- Identified, funded, and built Holocaust mass grave memorials in Busno, Strzelce, Wolka Dobrynska, Poland and identified, funded, and is installing Holocaust mass grave memorials in Luta, Zalliszce, Las Msmuga, and Dubiecko, Poland.
- Recovered the Jewish cemetery in Serock, Poland and is building a Holocaust memorial on the site.
- Ensured perpetual maintenance of a memorial to Holocaust survivors massacred by their non-Jewish former neighbors when they returned to Kielce, Poland after World War Two.
- Is placing a memorial to the first woman rabbi at the Terezin Holocaust Memorial Museum in the Czech Republic. She lost her life at Auschwitz after being held prisoner at the Terezin camp.
- Planned a national Holocaust memorial with authorities in predominantly Muslim Albania to be built largely with funds raised by the Commission.
- Raised funds for and planned a Holocaust memorial in Bardejov, Slovak Republic and co-sponsored a related ceremony for survivors and their families in the town.
- Helped fund restoration of the synagogue in Ckyne, Czech Republic.
- Helped fund restoration of the synagogue in Decin, Czech Republic.
- Raised funds for the restoration of the Jewish cemetery in Pavlovo, Ukraine.
- Raised funds for a scholarship at the American College of Sofia in honor of Protestant missionary contributions to democracy in the country.

IV. REQUEST

The Fiscal Year 2014 request for the Commission is \$690,150.

Personnel Compensation and Benefits:

The request would increase the FTE for the Commission from one to three and increase appropriations for this object class to convert the Commission's two longtime, full-time "temporary" administrative staffers, the Administrative Officer and the

Administrative Assistant, into government employees. There would be a commensurate decrease in funding for the Other Contractual Services subclass, the funding source for their prior engagement by the Commission outlined in past Budget Justifications and answers to questions regarding the appropriation. The workers would become government employees at the General Schedule Grade and Step immediately above their prior annualized compensation.

This would bring the Commission into greater compliance with its hiring authorities. It would also enable the Commission to comply with requirements for which government employees are needed.

The third staffing position would continue to be the current Program Manager position unless the position becomes vacant, in which case it may be reclassified to better reflect the Commission's needs. The incumbent is on administrative leave. Because of its miniscule staff, the Commission has a dire and urgent need for the position to be filled on a productive basis.

Contractual Services and Supplies:

Travel and Transportation of Persons – The Commission's primary travel costs are for Members' attendance at the Commission meetings required by statute and for the negotiation in foreign capitals of bilateral, government-to-government agreements for the protection and preservation of cultural sites, one of the two statutory mandates of the Commission. Additional travel is done in connection with privately funded projects to identify, restore, or preserve sites, especially for high-profile public dedication ceremonies of completed projects of symbolic importance.

The request is an increase over the estimated costs for last fiscal year because recent expenditures have been particularly low. Fiscal Years 2012 and '13 spending was reduced because: the Commission did not hold a required biannual meeting (for reasons related to the administrative leave of the Program Manager); other demands on the time of the (unpaid) Commission chairman which prevented travel; low points in the ebbs and flow of site project work; impasses in the negotiation of government-to-government site preservation agreements; and, in Fiscal Year 2013, because of higher priority demands upon the Commission's funding, which was lower than that for Fiscal Year 2012.

Rental Payments to Others – The Commission will have to move its office during Fiscal Year 2013 since the General Services Administration (GSA) lease for the space within which the Commission's office is located will expire and will not be renewed. (The Federal Labor Relations Authority, which occupies most of the space, is relinquishing its much larger share of the space on the floor.) The Commission's current rent is at a below-market rate. The Commission is moving to a less central location into space that is not as desirable. The space is a portion of a much larger space already leased by GSA that has been vacated by the Department of Justice. The Commission's new office will be almost exactly the size of the current space – and, again, not as centrally located and efficient -- but the cost will be about 27% higher.

Communications, Utilities, and Misc. Charges – This Object Class covers telephone, Internet, postal, and delivery costs. A \$3,000 increase is proposed in Fiscal Year 2014 to cover the cost of a more secure and permanent e-mail and electronic file storage system. The need for this was emphasized by an investigation related to the employee on administrative leave.

Printing and Reproduction – The Commission would expend \$10,000 for printing in Fiscal Year 2014. The increase would enable the Commission to print its first report to the Congress and the President since 2009 as well as reports on site surveys.

Other Contractual Services – This Object Class funds has previously provided the source of all or, in more recent years, most of the personnel assistance to the Commission in light of its very small budget. The Program Manager was a temporary employee for years before being made a Federal employee some years ago. With the conversion of the Administrative Officer and Administrative Assistant to government employees explained in the Personnel Compensation and Benefits section above, government employees would provide all of the full-time assistance to the Commission.

This would reduce spending for Other Contractual services from an estimated \$241,000 during the current fiscal year (and more in earlier years) to \$130,000 in Fiscal Year 2014. The remaining funding would be used to pay: the firm providing the part-time Executive Director; legal counsel related to a Commission effort to substantially operate as a normal government agency, which has not been viable previously due to the Commission's tiny budget; counsel related to questions concerning the employee on administrative leave; the Commission's Web site and IT support contractor; the auditing firm; for assistance related to updating Website content and reports; etc.

Other Purchases of Goods and Services from Government Accounts – Commission payments to other agencies for services in the past have included: payment of GSA for processing financial transactions; reimbursements to the State Department for translations and for services rendered during travel, such as ground transportation; and a Department of Homeland Security levy for protection of office space. The Fiscal Year 2014 request would cover \$24,000 in such reimbursements to GSA and \$1,000 each in reimbursements to the State and Homeland Security Departments.

Issues related to the administrative leave of the one current Federal employee have demonstrated the imperative nature of human resources, employee and labor relations, equal employment opportunity, and legal services assistance that the Commission cannot provide because of its small staff. The request includes \$47,150 to reimburse another agency for these essential costs. This is the minimum that the General Services Administration has advised the services would cost. The request also includes \$11,000 in additional legal costs related to matters concerning the employee on administrative leave. An additional amount would be used for costs needed to build out the Commission's new office space that cannot be funded in Fiscal Year 2013.

Supplies and Materials – The request includes \$10,000 for supplies and materials in Fiscal Year 2014.

Acquisition of Assets:

Equipment – The request anticipates spending for equipment to continue in Fiscal Year 2014 at only approximately \$1,000, an amount that primarily budgets for contingencies.